

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MR. BAGUETTE, LTD.,

Plaintiff,

vs.

FEDERAL EXPRESS CORPORATION,

Defendants.

No. 07-CIV 7931

MOTION TO ADMIT
COUNSEL PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Olivia M. Gross, Esq., a member in good standing of the Bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

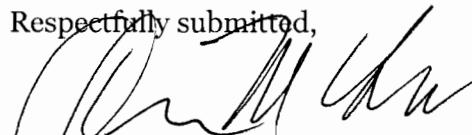
Thomas W. Southerland III, Esq.
Federal Express Corporation - FedEx Express
3620 Hacks Cross Road, Building B, 3rd Floor
Memphis, Tennessee 38125
901-434-8538 (T)
901-434-9278 (F)

Thomas W. Southerland III is a member in good standing of the Bar of the States of Mississippi and Tennessee.

There are no pending disciplinary proceedings against Thomas W. Southerland III in any State or Federal court.

Dated: October 26, 2007.
New York, New York

Respectfully submitted,


Olivia M. Gross, Esquire (No. : 6008)
NEWMAN, FITCH, ALTHEIM, MYERS, P.C.
14 Wall Street
22nd Floor
New York, New York 10005-2101
(212) 619-4350 (T)
(212) 619-3622 (F)

OCT 26 2007

MC 925-431236

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MR. BAGUETTE, LTD.,)
Plaintiff,)
vs.)
FEDERAL EXPRESS CORPORATION,)
Defendants.)

No. 07-CIV 7931

AFFIDAVIT OF OLIVIA
M. GROSS, ESQ. IN
SUPPORT OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE

STATE OF NEW YORK)
COUNTY OF New York) SS:

Olivia M. Gross, Esq., being duly sworn, hereby deposes and says as follows:

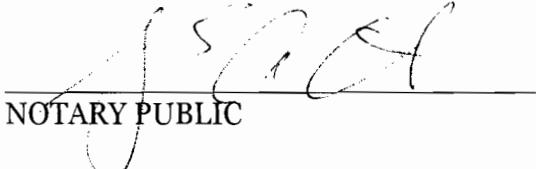
1. I am a Partner at Newman, Fitch, Altheim, Myers, P.C., counsel for Federal Express Corporation, d/b/a FedEx Express ("FedEx") in the above captioned action.
 2. I am a member in good standing of the Bar of the State of New York, and was admitted to practice law in New York. I am also admitted to the Bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
 3. I have known Thomas W. Southerland III since 2007.
 4. Mr. Southerland is a Sr. Attorney at Federal Express Corporation – FedEx Express in Memphis, Tennessee.
 5. I have found Mr. Southerland to be a skilled attorney and person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.
 6. Accordingly, I am pleased to move for the admission of Thomas W. Southerland III, *pro hac vice*.
 7. I respectfully submit a proposed Order granting the admission of Thomas W. Southerland III, *pro hac vice*, which is attached hereto as Exhibit "A."

WHEREFORE it is respectfully requested that the motion to admit Thomas W. Southerland III, *pro hac vice*, to represent FedEx in the above captioned matter, be granted.

Dated: October 26, 2007.
New York, New York


OLIVIA M. GROSS, ESO. (No.: *0016-6008*)

SWORN TO AND SUBSCRIBED before me, this 26th day of October, 2007.


NOTARY PUBLIC

My Commission Expires:

April 22, 2018

NELLY A. CHESTER
Notary Public, State of New York
No. 01CO5059069
Qualified in Richmond County
Commission Expires April 22, 2010

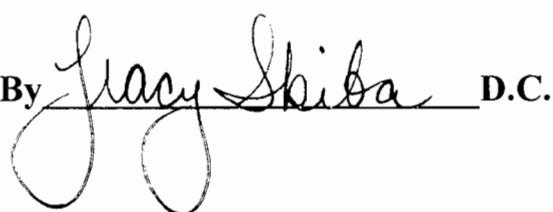
CLERK OF THE SUPREME COURT
STATE OF TENNESSEE

I, Michael W. Catalano, Clerk of the Supreme Court, do hereby certify that Thomas Wade Southerland, III, is a licensed and practicing attorney of the Courts of this State, having taken the oath as prescribed by law, is enrolled as an attorney of this Court, and is in good standing. The Supreme Court is the Court of last resort in Tennessee.

Date of Enrollment: August 17, 2007

In testimony whereof, I have set my hand and affixed the seal of the Court on this the 12th day of October, 2007.

Michael W. Catalano, Clerk

By Tracy Skiba D.C.


The Supreme Court of Mississippi



Certificate of Good Standing

I, Betty W. Sephton, as Clerk of the Supreme Court of Mississippi, do hereby certify that Thomas W. Southerland, III was duly and legally admitted to practice law before the Supreme Court of Mississippi on September 30, 1997, and is now an attorney in good standing of the Bar of this Court, as shown by the records of said Court on file in this office.

I further certify that the Supreme Court of Mississippi is the highest court of record in this state.

Done on October 16, 2007, with the seal of the Supreme Court of Mississippi affixed.

The Supreme Court of Mississippi

A handwritten signature in black ink, appearing to read "Betty W. Sephton".
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MR. BAGUETTE, LTD.,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.: 07 CIV 7931 (RMB)
)
FEDERAL EXPRESS CORPORATION,)
)
Defendant.)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 :ss:
COUNTY OF NEW YORK)

Beth Jaffe, being duly sworn, deposes and says:

I am not a party to this action, I am over 18 years of age and I reside at Queens County, New York.

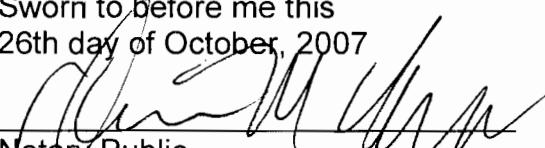
On October 26, 2007, I served the within **MOTION TO ADMIT COUNSEL PRO HAC VICE, AFFIDAVIT OF OLIVIA M. GROSS, ESQ. IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE, ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION, and CERTIFICATES OF GOOD STANDING** upon the attorneys listed below at the address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Stewart A. McMillan, Esquire
McMillan, Constabile, Maker & Perone, LLP
2180 Boston Post Road
Larchmont, New York 10538



Beth Jaffe

Sworn to before me this
26th day of October, 2007



Notary Public
Olivia M. Gross
Notary Public, State of New York
No. 02GR4860934
Qualified in Nassau County
Commission Expires May 5, 2010